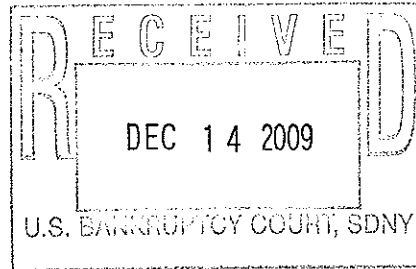


MARSHALL W. KRAUSE  
BOX 70  
SAN GERONIMO, CA 94963  
415 488 1223  
415 488 1945 (FAX)



MRKRUZE@COMCAST.NET

BANKRUPTCY CASE 08-1789(BRL)

OPPOSITION TO DETERMINATION OF TRUSTEE  
AND REQUEST FOR HEARING  
ACCOUNT 1ZR256, CLAIM #82

This account was established in the early 1990s by Claimant and various withdrawals and additions were made as detailed below. In a Determination made November 19, 2009 the Trustee states that Claimant's withdrawals exceeded his deposits and therefore he is not entitled to the protections of SIPA. Claimant disputes this Determination and claims the full value of his account as shown on the November, 2008, statement of BMIS. In the alternative, Claimant states that he is entitled to interim earnings for the period he invested money with BMIS. For the record Claimant states that he had no knowledge of the transgressions of BMIS and had knowledge of and relied upon the protections accorded him by SIPA.

This account is an IRA account entitled to all protections due such account by law and Claimant disputes all reductions to his claim inconsistent with these protections.

This account is a successor account to BMIS account #1ZA233-30 which was a Defined Benefit Plan established by Claimant in the early 1990s. Claimant requests that the Trustee produce for this examination records of this account in his possession or control. Claimant deposited \$88,644 to this account in December of 1992 and \$4,000 to this account in April of 1995 and does not know whether the Trustee has included these amounts in his accounting for the 256

Account. Claimant may have deposited additional amounts to this account.

Referring to Table I "Deposits" of the Trustee's accounting, Claimant does not agree with the adjustments to his account in the first four lines and does not know whether these deposit records are accurate. The record of deposits recorded after January 1, 1997 are accurate. Claimant requests the records of the Trustee regarding this account be produced for his examination.

Referring to Table I "Withdrawals" Claimant disagrees with the first four lines and agrees with the balance of the withdrawals. Claimant requests the records of the Trustee be produced for his examination.

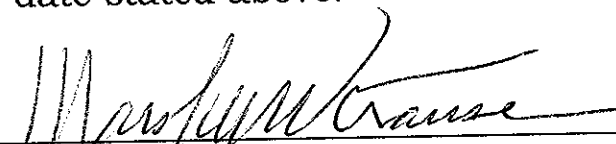
Respectfully submitted,

  
\_\_\_\_\_  
Marshall W. Krause

Dated: 12/8/09

#### CERTIFICATE OF SERVICE

I certify that I served a copy of this document by US First Class mail on the Trustee and the Bankruptcy Court at the addresses given in the Notice of Determination on the date stated above.

  
\_\_\_\_\_  
Marshall W. Krause, Claimant